

**Remarks**

**I. Status of the Claims**

Entry of the proposed amendment would result in the pending of claims 51-65, 68, 69, 86-100, and 103, the amending of claims 51, 56, 62-64, 86, 90, 96-98, and 103, and the canceling of claims 1-50, 70-85, 101-102, and 104-118. Support for these amendments can be found in the originally filed claims. For example, claims 51 and 86 have been amended to include the allowable subject matter of original claims 66, 67, 101, and 102, which have been canceled. In addition, the amendment to claims 56 and 90 merely correct minor typographical errors, i.e., to replace  $(\text{CH}_3)_2\text{SiO}_{2/2}$  with  $(\text{CH}_3)_2\text{SiO}_{3/2}$ . Support for these amendments can be found in the independent claims from which claims 56 and 90 depend, i.e., in claims 51 and 86, respectively. The remaining claims have been amended to reflect the changes to the independent claims, such as changing dependencies in claims 68 and 103, and changing the language of the "at least two film formers," in claims 62-64 and 96-98.

Applicants respectfully request that this proposed amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the remaining pending claims in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier

claimed as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Indeed, the Examiner acknowledges on page 8 of the Final Office Action that the amendment proposed in this response will put the case in condition for allowance. Alternatively, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

## **II. Rejections under 35 U.S.C. § 102 and § 103**

The Examiner has maintained the rejections set forth in the previous Office Action. Thus, claims 1-12, 14, 16, 32-34, 38-45, 47, 49-60, 62, 64, 65, 69-80, 82, 84-94, 96, 98-100, 103-114, 116, and 118 remain rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,085,859 to Halloran et al. ("Halloran"). As the Examiner indicated that claims 67-69, 103, and 104 are allowable (final Office Action at 8), Applicants assume that the Examiner mistakenly included claims 69 and 103 in the rejection.

In addition, the Examiner has maintained the rejection of claims 17-27, 29, and 31 under 35 U.S.C. § 102(b) as allegedly anticipated by Halloran as evidenced by Harry's Cosmetology.

Additionally, the Examiner has maintained the rejection of claims 1-66, 70-101, and 104-118 under 35 U.S.C. § 103(a) as allegedly obvious over the combination of

Halloran, U.S. Patent No. 5,756,082 to Cashin et al. ("Cashin"), and U.S. Patent No. 5,959,009 to Konik et al. ("Konik").

While Applicants continue to disagree with each ground of rejection for the reasons of record, and without acquiescing to the positions maintained by the Examiner, Applicants have amended independent claims 51 and 86 to include the subject matter indicated as allowable by the Examiner, e.g., the subject matter found in claims 67-69 and 102-103. Applicants believe that this amendment made solely for the purpose of advancing prosecution, renders the rejections moot and puts the application in condition for allowance.

#### **VI. Conclusion**

In view of the proposed amendments and the foregoing remarks, Applicants respectfully request the reconsideration of the pending claims, reexamination of the application, and the timely allowance of the pending claims. The Examiner is invited to contact Applicants' undersigned representative at (202) 408-6020 if there are any issues precluding the allowance of the pending claims.

**Attorney Docket No. 05725.0537-00**  
**Application No.: 09/883,229**

Please grant any extensions of time required to enter this response and charge  
any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, L.L.P.

*/Louis Troilo/*

By: \_\_\_\_\_  
Louis. M. Troilo  
Reg. No. 45,284

Date: April 29, 2005